

House File 831

H-1258

1 Amend House File 831 as follows:

2 1. Page 1, by striking lines 11 through 17 and inserting:

3 <2. As used in section 724.26, "*conviction*" does not include
4 a deferred judgment that has been expunged pursuant to section
5 907.3, subsection 1, paragraph "c", or any conviction that
6 has been expunged or for which a person has been pardoned
7 or has had the person's rights restored in accordance
8 with section 724.27 unless such expungement, pardon, or
9 restoration expressly provides that the person shall not ship,
10 transport, possess, or receive firearms, offensive weapons, or
11 ammunition.>

12 2. Page 1, line 28, by striking <Nonviolent class> and
13 inserting <Class>

14 3. Page 1, by striking lines 30 through 34 and inserting:

15 <1. Upon application of a defendant convicted of a class
16 "D" felony offense listed in subsection 2, or convicted under
17 prior law of an offense comparable to a class "D" felony listed
18 in subsection 2, the court shall enter an order expunging the
19 conviction if the defendant has proven all of the following:>

20 4. By striking page 2, line 21, through page 3, line 32, and
21 inserting:

22 <2. A conviction for the following class "D" felonies shall
23 be expunged if all of the conditions specified in subsection 1
24 are satisfied:

25 a. A conviction for violations involving excursion gambling
26 boats and gambling structures under section 99F.15, subsection
27 4.

28 b. A conviction for unlawful betting where the potential
29 winnings from the bet exceed one thousand dollars in value
30 under section 99F.15, subsection 6, paragraph "b".

31 c. A conviction for forgery or fraud related to lottery
32 tickets, lottery equipment or materials, or lottery activities
33 under section 99G.36.

34 d. A conviction for the manufacture, delivery, or possession
35 with the intent to manufacture or deliver fifty kilograms or

1 less of marijuana or involving flunitrazepam under section
2 124.401, subsection 1, paragraph "d".

3 e. A conviction for possession with the intent to
4 manufacture a controlled substance under section 124.401,
5 subsection 4.

6 f. A conviction for knowingly or intentionally possessing
7 a controlled substance under section 124.401, subsection 5,
8 unnumbered paragraph 1, when the person has previously been
9 convicted two or more times of violating chapter 124, 124B, or
10 453B, or chapter 124A as it existed prior to July 1, 2017.

11 g. A conviction for gatherings where controlled substances
12 are unlawfully used under section 124.407, subsection 2.

13 h. A conviction for a third or subsequent offense of
14 operating while under the influence of alcohol or a drug or
15 while having an alcohol concentration of .08 or more under
16 section 321J.2, subsection 2, paragraph "c".

17 i. A conviction for a violation involving a taxable
18 substances tax stamp, label, or official insignia under section
19 453B.12, subsection 2, 3, or 4.

20 j. A conviction for a conspiracy to commit a felony other
21 than a forcible felony under section 706.3, subsection 2.

22 k. A conviction for violating a custodial order under
23 section 710.6, subsection 1.

24 l. A conviction for burglary in the third degree under
25 section 713.6A, subsection 1.

26 m. A conviction for theft in the second degree under section
27 714.2, subsection 2.

28 n. A conviction for fraudulent practices in the second
29 degree under section 714.10.

30 o. A conviction for intellectual property counterfeiting in
31 the second degree under section 714.26, subsection 2, paragraph
32 "b".

33 p. A conviction for a computer and spyware offense causing
34 pecuniary losses exceeding one thousand dollars under section
35 715.7, subsection 2.

1 *q.* A conviction for forgery under section 715A.2, subsection
2 2, paragraph "a".

3 *r.* A conviction for criminal mischief in the second degree
4 under section 716.4.

5 *s.* A conviction for trespass under section 716.7, subsection
6 2, paragraph "a", subparagraph (6).

7 *t.* A conviction for a second or subsequent violation of food
8 operation trespass under section 716.8, subsection 8, paragraph
9 "b".

10 *u.* A conviction for railroad vandalism in the fourth degree
11 under section 716.10, subsection 2, paragraph "d".

12 *v.* A conviction for a third offense of illegal gaming in the
13 fourth degree under section 725.7, subsection 2, paragraph "a",
14 subparagraph (3).

15 *w.* A conviction for a second offense of illegal gaming in
16 the third degree under section 725.7, subsection 2, paragraph
17 "b", subparagraph (2).

18 *x.* A conviction for a first offense of illegal gaming in the
19 second degree under section 725.7, subsection 2, paragraph "c",
20 subparagraph (1).

21 3. The application shall be filed in the criminal court
22 case in which the conviction being sought to be expunged was
23 entered.>

24 5. Page 4, by striking lines 4 through 18 and inserting:
25 <5. A person shall be granted an expungement of a conviction
26 under this section one time in the person's lifetime. However,
27 the one application may request the expungement of more than
28 one conviction if the convictions were entered in the same
29 court file and arose from the same transaction or occurrence
30 and the convictions are for criminal offenses that are
31 eligible to be expunged under either this section or section
32 901C.3. The expungement of a misdemeanor conviction under this
33 subsection shall not be considered an expungement under section
34 901C.3 for purposes of section 901C.3, subsection 3.>

35 6. Page 4, line 21, by striking <expunged record under

1 this section> and inserting <court record of the expunged
2 conviction>
3 7. Page 4, line 26, by striking <record of>
4 8. Page 4, line 32, by striking <case> and inserting
5 <conviction>
6 9. Page 4, by striking lines 34 and 35 and inserting:
7 <9. This section applies to a class "D" felony conviction
8 entered prior to, on, or after July 1, 2021.>
9 10. Title page, line 2, by striking <nonviolent>
10 11. By renumbering, redesignating, and correcting internal
11 references as necessary.

WOLFE of Clinton